

The Honorable Robert S. Lasnik

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THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

CENTER FOR FOOD SAFETY, a non-profit corporation,

Plaintiff,

V.

U.S. ARMY CORPS OF ENGINEERS, *et al.*,

Defendants,

and

PACIFIC COAST SHELLFISH GROWERS
ASSOCIATION,

Intervenor-Defendant

Case No. 2:17-cv-01209-RSL

**JOINT MOTION TO STAY BRIEFING
ON PLAINTIFF'S MOTION FOR AN
AWARD OF FEES AND EXPENSES**

**Note on Motion Calendar:
October 7, 2020**

THE COALITION TO PROTECT PUGET
SOUND HABITAT, a non-profit Corporation,

Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS *et al.*,

Defendants,

and

TAYLOR SHELLFISH COMPANY, INC.,

Intervenor-Defendant

) Case No. 2:16-cv-00950-RSL

) **JOINT MOTION TO STAY BRIEFING**
) **ON PLAINTIFF'S MOTION FOR AN**
) **AWARD OF FEES AND EXPENSES**

) **Note on Motion Calendar:**
) **October 7, 2020**

Plaintiffs and Defendants in the above-captioned lawsuits jointly move the Court for an Order staying briefing on the Motions for awards of attorney fees and expenses filed by Plaintiff Center for Food Safety (ECF 121) and Plaintiff Coalition to Protect Puget Sound Habitat (ECF 99). In support of this Motion the parties jointly state as follows:

1. The Court's judgment in this case is the subject of appeals now pending in the Ninth Circuit Court of Appeals. Appeal Nos. 20-35546 and 20-35547 (consolidated July 22, 2020). Pursuant to the briefing schedule in those appeals, briefing will be completed by November 4, 2020. The Court of Appeals has granted Appellants' request to expedite hearing and directed the clerk to place the appeals on the first available calendar after the completion of briefing. ECF 105 in 2:16-cv-00950-RSL; ECF 124 in 2:17-cv-01209-RSL.

2. Plaintiffs filed Motions in this Court seeking awards of fees and expenses from Defendants U.S. Army Corps of Engineers *et al.* out of an abundance of caution, to ensure that their motions are timely.

3. The final decision of the Court of Appeals may affect the resolution of issues presented by Plaintiffs' Motions for fees and expenses. Briefing on those Motions should be stayed in the interests of fairness and judicial economy.

1 Accordingly, the Plaintiffs and Defendants request that the Court stay briefing on both
2 the Plaintiffs' Motions for fees and expenses, and establish a briefing schedule after the Ninth
3 Circuit Court of Appeals issues its mandate at the conclusion of the pending consolidated appeals.

4 Dated: October 7, 2020

Respectfully submitted,

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